

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

ROBERT H. AYLOR, JR., On Behalf of Himself and All Others Similarly Situated, x
:

Plaintiff,

VS.

XYBERNAUT CORPORATION, EDWARD G. :
 NEWMAN, STEVEN A. NEWMAN, M.D., and :
 THOMAS D. DAVIS, :

Defendants.

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**NOTICE OF WITHDRAWAL OF THE MOTION OF THE JAMES GROUP FOR
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL
OF SELECTION OF LEAD COUNSEL**

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

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Ralph N. Sianni (#4151)
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--and--

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Plaintiff's Counsel

Dated: July 5, 2005

STULL, STULL & BRODY

Jules Brody
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Tzivia Brody
6 East 45th Street
New York, New York 10017
Telephone: (212) 687-7230

Proposed Lead Counsel

MOSHE TAL, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAVIS,

Defendants.

MICHAEL FEHRENBACHER, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, M.D. STEVEN A. NEWMAN and
THOMAS D. DAVIS,

Defendants.

JEFFREY M. JASKOL and STACEY J. JASKOL,
Individually and On Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAVIS,

Defendants.

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Case No. 1:05-cv-00242 (SLR)

Case No. 1:05-cv-00256 (SLR)

Case No. 1:05-cv-00268 (SLR)

JOSEPH DANIEL WAUHOP, On Behalf of
Himself and All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, JOHN F. MOYNAHAN
and GRANT THORNTON LLP,

Defendants.

Case No. 1:05-cv-00310 (SLR)

[CHRISTINA W. DONNELLY, JOHN
DONNELLY, JAMES G. WILLIAMSON and
RICHARD W. DEARBORN, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS and BRUCE C. HAYDEN,

Defendants.

Case No. 1:05-cv-00334 (JJF)

CHARLES W. SMITH, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

Case No. 1:05-cv-00354 (SLR)

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS, BRUCE C. HAYDEN and GRANT
THORNTON LLP,

Defendants.

x

PLEASE TAKE NOTICE that lead plaintiff movants Kenneth James, La Rocca Pietro, Michael A. Farmakis, David S. Pennington, and Christina Donnelly (collectively, the “James Group” or “Movant”) hereby withdraw their Lead Plaintiff/Lead Counsel motion. The James Group members do not, however, by this withdrawal, waive their right to participate and recover as class members or shareholders in this or any litigation. The James Group members reserve the right to intervene and seek appointment as Lead Plaintiff or class representative should it appear that the Court appointed lead plaintiff is not performing its duties to the class.

DATED: July 5, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

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